

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>EDWARD MILLER,</b>	:	<b>CIVIL NO. 1:12-CV-0520</b>
	:	
<b>Plaintiff,</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>EUGENE BERDANIER, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

AND NOW, this 9th day of April, 2014, upon consideration of the court's order (Doc. 96) dated January 6, 2014, wherein the court acknowledged the death of the *pro se* plaintiff on December 23, 2013 and directed defendants to file a statement of suggestion of death in compliance with Federal Rule of Civil Procedure 25 within ten (10) days of the date of the order, and further upon consideration of defendants' suggestions of death (Docs. 97-99) filed January 7, 2014, and the court noting that Federal Rule of Civil Procedure 25 provides, in pertinent part, that when a party dies and his claim is not extinguished, the decedent's successor or representative may move to substitute himself or herself as a party to the action within ninety (90) days of service of a suggestion of death, FED. R. CIV. P. 25(a)(1), and further directs the court to dismiss the action if such a motion is not timely filed, *id.* ("If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed."), and the court observing that the

deadline for filing a Rule 25(a)(1) motion expired on April 7, 2014, and that to date no such motion has been filed, it is hereby ORDERED that:

1. The *pro se* plaintiff's motion (Doc. 61) for disclosure of medical records and motion (Doc. 90) for summary judgment are DENIED as moot.
2. Defendants' motions (Docs. 62, 65, 78) to dismiss are DENIED as moot.
3. The above-captioned matter is DISMISSED pursuant to Federal Rule of Civil Procedure 25(a)(1).
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania